

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARLOS R. LOTT,

Petitioner,

v.

DOUG C. VASBINDER,

Respondent.

CASE NO. 03-CV-74234-DT

JUDGE PAUL D. BORMAN

MAGISTRATE JUDGE PAUL J. KOMIVES

Proof of Service

The undersigned certifies that a copy of the foregoing Order was served on the attorneys and/or parties of record herein by electronic means or U.S. Mail on **June 6, 2005**.

s/Kim Grimes
Acting in the absence of
Eddrey Butts, Case Manager

ORDER DIRECTING EXPANSION OF THE RECORD

Petitioner Carlos R. Lott filed this application for the writ of habeas corpus pursuant to 28 U.S.C. § 2254 on October 22, 2003. Among his grounds for relief, petitioner raises a claim that his sentence is unconstitutional because it was based, in part, on two prior convictions for which he did not have the assistance of counsel. Resolution of this claim requires consideration of the presentence report prepared in petitioner's case, which is not included in the state court records filed by respondent. It is therefore ORDERED, in accordance with Rule 7 of the Rules Governing Section 2254 Proceedings in the United States District Courts, 28 U.S.C. foll. § 2254, that respondent file a copy of the presentence report no later than **June 17, 2005**.

IT IS SO ORDERED.

s/Paul J. Komives
PAUL J. KOMIVES
UNITED STATES MAGISTRATE JUDGE

Dated: June 6, 2005